UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,615	10/19/2001	Sunil S. Kadam	NA01-20501	2990

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EXAMINER
ANANTHANARAYANAN, RAMYA

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	10/027,615	KADAM ET AL.
	Examiner	**Art Unit**	
	Ramya Ananthanarayanan	2131	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 April 2005</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2,4-9,12-16 and 18-24</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,2,4-9,12-16 and 18-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____.
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   5) ☐ Notice of Informal Patent Application (PTO-152)
    Paper No(s)/Mail Date _____.   6) ☐ Other: _____.

Response to Arguments

Applicant's arguments, see Amendment, filed March 30, 2005, with respect to the

rejection(s)of claim(s) 1-22 under Yinger et al. and Arnold et al. have been fully

considered and most of the arguments are persuasive. Therefore, the rejection has been

withdrawn. However, upon further consideration, a new ground(s) of rejection is made in

view of Lucas et al.

In addition to the new grounds of rejection, the examiner notes that applicant's arguments

on page 7, paragraph 1 is not fully persuasive. Applicant asserts that the claimed

invention allows the installation program to be run without the current user having

sufficient privileges, by recovering a set of user credentials from the installation program

that is associated with sufficient privileges to allow the program to be run. However,

applicant also includes a new claim in the aforementioned amendment that states if no

such user credential can be found in the plurality of sets of user credentials from the

installation program, that an error be returned to the user. Thus, if user credentials

associated with sufficient privileges to run the installation program are not found, it

follows that by applicant's claimed invention, an error will be returned.

Examiner's prior art Yinger et al. disclose that the specific user may not have the

credentials necessary, but groups or public users may have the necessary privileges to run

the installation program and thus checks each of these groups of users for sufficient

privileges. If no such set of credentials is found in user privileges or privileges associated

with user-associated groups, then an error is returned to the user.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 8, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yinger et

al. (U.S. Patent 5,960,204) in view of Lucas et al. (U.S. Patent 6,865,737).

With respect to claims 1, 8, and 15, Yinger et al. disclose a method (column 1, lines 49),

computer readable medium (column 5, lines 8-12), and apparatus (Figure 1a, item 110a)

to facilitate software installation using embedded user credentials, comprising:

Receiving a software installation package at a computer (column 6, lines 25-29);

Determining if a current user has sufficient privileges to run the installation

program (column 6, lines 13-17);

If the current user does not have sufficient privileges (column 10, lines 58-65),

Recovering a set of user credentials that is associated with sufficient

privileges to run the installation program from the software installation package

(column 10, lines 58-65), and

Authenticating to the computer using the set of user credentials (column 10, lines

53-58); and

Running the installation program on the computer (column 11, lines 31-34).

Yinger et al. do not disclose a method, medium, and apparatus to facilitate software

installation using embedded user credentials, comprising:

Extracting an installation program from the software installation package;

Wherein the software installation package includes a plurality of sets of user

credentials.

With respect to claims 1, 8, and 15, Lucas et al. disclose a method (column 3, lines 60-

65), computer readable medium (column 3, lines 60-65), and apparatus (column 3, lines

26-30) to facilitate software installation using embedded user credentials, comprising:

Extracting an installation program from the software installation package (column

15, lines 65-67 to column 16, lines 1-8);

Recovering a set of user credentials that is associated with sufficient privileges to

run the installation program from the software installation package (column 13, lines 10-

28); and

Running the installation program on the computer (column 14, lines 31-53);

Wherein the software installation package includes a plurality of sets of user

credentials (column 16, lines 10-13; column 13, lines 10-28; column 14, lines 31-62: The

installation script uses both root privileges, minimal privileges and an encrypted signature

to allow commands from the script to be executed and the installation to be transferred

and executed. Thus, if a command is not encrypted, the script is still able to recover user

credentials, i.e. "root", to associate itself with sufficient privileges to have the script

commands read and processed or use minimal privileges to transport it through the

network.).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to have combined the teachings of Lucas et al. with the teachings of Yinger et al. in order

to allow the master server to automate maintenance of other computers in the network

(column 16, lines 14-17).

With respect to claims 2, 9, and 16, Yinger et al. disclose the method, medium, and

apparatus wherein the software installation package includes an agent (Figure 2, item

240), wherein the agent enforces security policies on the computer (column 6, lines 13-

17).

With respect to claims 4 and 18, Yinger et al. disclose a method, computer readable

medium, and apparatus, further comprising:

Recovering a second set of user credentials from the plurality of sets of user

credentials if the set of user credentials failed during authentication (column 10, lines 58-

65); and

Authenticating to the computer using the second set of user credentials (column

10, lines 58-65).

With respect to claims 6, 13, and 20, Yinger et al. disclose the method, medium, and

apparatus wherein the software installation package is received over a network (column

4, lines 4-5).

With respect to claims 7, 14, and 21, Yinger et al. disclose the method, medium, and apparatus wherein the software installation package is received on a storage medium (column 5, lines 8-12).

With respect to claim 23, Yinger et al. do not disclose a method, computer readable medium, and apparatus, wherein the installation program is run from a remote computer without knowledge of the current user.

. Lucas et al. disclose a method, computer readable medium, and apparatus, wherein the installation program is run from a remote computer without knowledge of the current user (column 14, lines 59-60; Title of Patent).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Lucas et al. with the teachings of Yinger et al. in order to transfer the program over a network without requiring a password (column 14, lines 55-62).

With respect to claim 24, Yinger et al. disclose a method, computer readable medium, and apparatus, wherein an error message is displayed if none of the plurality of sets of user credentials are associated with sufficient privileges to run the installation program from the software installation package (column 6, lines 18-21).

Claims 5, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yinger et al. and Lucas et al. in view of Arnold (U.S. Patent 5,956,408).

Yinger et al., Lucas et al. and Arnold are both analogous art because both are in the field
of software.

With respect to claims 5, 12, and 19, Lucas et al. disclose that the set of user credentials
is contained in the installation package (column 13, lines 10-28). Yinger et al. and Lucas
et al. do not disclose the method, medium, and apparatus wherein the set of user
credentials is encrypted. Arnold discloses the method, medium, and apparatus wherein
the installation package (and hence the set of user credentials) is encrypted (column 6,
lines 39-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention
to have combined the teachings of Arnold with the combined teachings of Yinger et al.
and Lucas et al. in order to prove that the data came from the manufacturer of the
installed software (column 6, lines 54-57).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yinger et al. and
Lucas et al. in view of Cheng et al. (U.S. Patent 5,956,408).

Yinger et al., Lucas et al. and Cheng et al. are both analogous art because both are in the
field of software.

With respect to claim 22, Yinger et al. and Lucas et al. do not disclose a method,
computer readable medium, and apparatus, wherein the user credentials each include a

user name and an associated password. Cheng et al. disclose a method, computer

readable medium, and apparatus, wherein the user credentials each include a user name

and an associated password (column 7, lines 5-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to have combined the teachings of Cheng et al. with the combined teachings of Yinger et

al. and Lucas et al. in order to ensure that only authorized users can obtain updates for

software products (column 7, lines 43-45).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ramya Ananthanarayanan whose telephone number is

(571) 272-5860. The examiner can normally be reached on Monday through Friday, 8:30

-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

RA

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